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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re: : Case No. 19-21996-GLT
: MYLIN R. HORNER and KIMBERLY M.
HORNER, : Related to Dkt. No. 42
: *Debtors.* : Hearing: February 20, 2020
:

**ORDER CONVERTING CASE UNDER CHAPTER 13 TO
CASE UNDER CHAPTER 7, SETTING DEADLINES, SCHEDULING
STATUS CONFERENCE, AND TERMINATING WAGE ATTACHMENT**

The Debtors have filed a motion to convert chapter 13 case in accordance with *11 U.S.C. §1307(a)* to a case under chapter 7 of the Bankruptcy Code (title 11 of the United States Code).

AND NOW, based upon the foregoing, it is **ORDERED, ADJUDGED, and DECREED** that:

- (1) Any party-in-interest that challenges the good faith of the conversion shall, on or before **February 7, 2020** file a motion setting forth the basis of the challenge and specifically identifying the relief requested in the event conversion is found not to have been made in good faith.
- (2) The wage attachment(s) issued in this case are immediately **TERMINATED**. The Debtor(s) shall serve a copy of this order on the employer(s).
- (3) **No later than January 24, 2020**, the Debtors shall file a schedule of all unpaid debts incurred after the commencement of the chapter 13 case and before conversion. *Bankruptcy Rule 1019(5)(B)(i)*.
- (4) **No later than January 24, 2020**, the Debtors shall file the statements and schedules required by *Bankruptcy Rules 1019(1)(A)* and *1007(b)*, if such documents have not already been filed.
- (5) **No later February 10, 2020**, the Debtors shall file a statement of intention with respect to retention or surrender of estate property which secures a debt, as required by *11 U.S.C. §521(a)(2)* and *Bankruptcy Rule 1019(1)(B)*, and conforming to *Official Form 8*.
- (6) The chapter 13 trustee shall forthwith turn over to the chapter 7 trustee all records and property of the estate remaining in the chapter 13 trustee's custody and control, as required by *Bankruptcy Rule 1019(4)*, except that any remaining funds that do not constitute property of the chapter 7 estate shall be returned to the Debtor(s).

- (7) ***Within 60 days*** of the date of this *Order*, the chapter 13 trustee shall file an accounting of all receipts and distributions made. The Court retains jurisdiction over the *Chapter 13 Trustee's Report of Receipts and Disbursements and Final Report and Account*. Upon submission of the *UST Form 13-FR-S: Chapter 13 Trustee's Final Report and Account*, the chapter 13 trustee is discharged from her duties in this case.
- (8) ***No later than February 10, 2020***, the Debtors shall, if the case is converted after the confirmation of a plan, file:
 - (a) a schedule of all property not listed in the final report and account of the chapter 13 trustee which was acquired after the commencement of the chapter 13 case but before the entry of this conversion order. *Bankruptcy Rule 1019(5)(C)(i)*;
 - (b) a schedule of unpaid debts not listed in the chapter 13 trustee's final report and account. *Bankruptcy Rule 1019(5)(C)(ii)*; and
 - (c) a schedule of executory contracts and unexpired leases entered into or assumed after the commencement of the chapter 13 case but before the entry of this conversion order. *Bankruptcy Rule 1019(5)(C)(iii)*.

The schedule of claimants under subsection (b) of this paragraph shall be filed by entering additional claimants into the CM/ECF system via "Creditor Maintenance." A list of said claimants shall be attached to the *Bankruptcy Rule 1019 Report*.

It is **FURTHER ORDERED** that if the Debtors fail to file the documents required by this *Order* and *Bankruptcy Rule 1019* by the aforesaid dates, a status conference shall be held on **February 20, 2020 at 10 a.m.** in Courtroom A, 54th Floor, U.S. Steel Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15219, to determine whether additional relief is necessary to compel compliance with the terms of this *Order*.

It is **FURTHER ORDERED** that the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*. If the reports and schedules per paragraphs 3, 8(b) and 8(c) of this *Order* are filed in time for the Clerk to include post-petition creditors in the § 341 notice mailing, the Clerk shall so include the post-petition creditors in that mailing. If said report and schedules are not filed in time for inclusion of the post-petition creditors in the § 341 notice mailing, ***within ten days of the filing of said report and schedules***, the Clerk shall send the notice required by *Bankruptcy Rule 1019(6)*.

It is **FURTHER ORDERED** that ***within 45 days*** of the date of this *Order*, all chapter 13 fee petitions by any professional shall be self-scheduled and filed with the Clerk of the Bankruptcy Court. The fee petition shall be captioned "Chapter 13 Fee Petition in Converted Case," and the hearing shall be self-scheduled on Judge Taddonio's chapter 13 motions calendar.

It is **FURTHER ORDERED** that *within five days* hereof, counsel for the Debtors shall **IMMEDIATELY SERVE** a copy of this *Order* on all creditors in the above-captioned case and *shall file a Certificate of Service* with the Clerk of the Bankruptcy Court.

Dated: 1/10/20



GREGORY J. TADDONI ^{ct}
UNITED STATES BANKRUPTCY JUDGE

Case administrator to mail to:
Debtors
Debtors' Counsel

Certificate of Notice Page 4 of 4
United States Bankruptcy Court
Western District of Pennsylvania

In re:
Mylin R. Horner
Kimberly M. Horner
Debtors

Case No. 19-21996-GLT
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0315-2

User: lfin
Form ID: pdf900

Page 1 of 1
Total Noticed: 2

Date Rcvd: Jan 10, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 12, 2020.

db/jdb +Mylin R. Horner, Kimberly M. Horner, 706 Belzer Road, Tarrs, PA 15688-2106
+Ronda J Winnecour, 3250 US Steel Tower, 600 Grant Street, Pittsburgh, PA 15219-2702

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 12, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 10, 2020 at the address(es) listed below:

Charles O. Zebley, Jr. COZ@Zeblaw.com, PA67@ecfcbis.com;Lyndie@Zeblaw.com
James Warmbrodt on behalf of Creditor M&T BANK bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Suzanne M. Bash on behalf of Debtor Mylin R. Horner suzannembash@yahoo.com, sooz1205@yahoo.com
Suzanne M. Bash on behalf of Joint Debtor Kimberly M. Horner suzannembash@yahoo.com,
sooz1205@yahoo.com

TOTAL: 6